

108th Congress

1st Session

H. RES. \_\_\_\_

**Adopting rules for the One Hundred Eighth Congress.**

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

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**RESOLUTION**

***Resolved***, That the Rules of the House of Representatives of the One Hundred Seventh Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Seventh Congress, are adopted as the Rules of the House of Representatives of the One Hundred Eighth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3 and 4.

**SEC. 2. CHANGES IN STANDING RULES. —**

(a) **MEMBERS TO ACT AS SPEAKER PRO TEMPORE.** — In clause 8(b) of rule I, add at the end the following new subparagraph:

“(3)(A) In the case of a vacancy in the office of Speaker, the next Member on the list described in subdivision (B) shall act as Speaker pro tempore until the election of a Speaker or a Speaker pro tempore. Pending such election the Member acting as Speaker pro tempore may exercise such authorities of the Office of Speaker as may be necessary and appropriate to that end.

“(B) As soon as practicable after his election and whenever he deems appropriate thereafter, the Speaker shall deliver to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore under subdivision (A).

“(C) For purposes of subdivision (A), a vacancy in the office of Speaker may exist by reason of the physical inability of the Speaker to discharge the duties of the office.”.

(b) **TERM OF SPEAKER.** — In rule I —

- (1) strike clause 9; and
- (2) redesignate clause 13 as clause 9.

(c) **RECESS AND CONVENING AUTHORITIES.** — In clause 12 of rule I —

- (1) amend the caption to read “***Recess and convening authorities***”; and
- (2) designate the existing text as paragraph (a) and add thereafter the following new paragraphs:

“(b) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

“(c) During any recess or adjournment of not more than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of the place of reconvening at the time previously appointed, then he may, in consultation with the Minority Leader —

“(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or

“(2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.

“(d) The Speaker may convene the House in a place at the seat of government other than the Hall of the House whenever, in his opinion, the public interest shall warrant it.”.

(d) **PRIVILEGES OF FLOOR.** — In clause 2(a)(7) of rule IV, after “consideration” insert a comma followed by “and staff of the respective party leaderships when so assigned with the approval of the Speaker”.

(e) **MEMBERSHIP OF BUDGET COMMITTEE.** — In clause 5(a)(2) of rule X, amend subdivision (A)(i) to read as follows:

“(i) Members, Delegates, or the Resident Commissioner who are members of other standing committees, including five from the Committee on Appropriations, five from the Committee on Ways and Means, and one from the Committee on Rules;”.

(e-1) **TENURE OF CERTAIN CHAIRMEN AND RANKING MINORITY MEMBERS.** —

(1) In clause 5(a)(2) of rule X, amend subdivision (C) to read as follows:

“(C) In the case of a Member, Delegate, or Resident Commissioner elected to serve as the chairman or the ranking minority member of the committee, tenure on the committee shall be limited only by paragraph (c)(2) of this clause.”.

(2) In clause 11(a)(4) of rule X, amend subdivision (B) to read as follows:

“(B) In the case of a Member, Delegate, or Resident Commissioner appointed to serve as the chairman or the ranking minority member of the select committee, tenure on the select committee shall not be limited.”.

(f) **ASSOCIATE STAFF.** — In clause 9(b) of rule X —

(1) redesignate subparagraph (2) as subparagraph (2)(A);

(2) redesignate subparagraph (3) as subparagraph (2)(B);

(3) in subparagraph (2)(B), as redesignated, insert “other than the Committee on Appropriations” after “a committee”; and

(4) strike subparagraph (4).

(g) **POSTPONING VOTES IN COMMITTEES.** — At the end of clause 2(h) of rule XI, add the following new subparagraph:

“(4)(A) Each committee may adopt a rule authorizing the chairman of a committee or subcommittee —

“(i) to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

“(ii) to resume proceedings on a postponed question at any time after reasonable notice.

“(B) A rule adopted pursuant to this subparagraph shall provide that when proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.”.

(h) **CODIFICATION OF FREESTANDING ETHICS RULES.** — In clause 3 of rule XI, add at the end the following new paragraphs:

**“Committee agendas**

“(f) The committee shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

**“Committee staff**

“(g)(1) The committee shall adopt rules providing that —

“(A) the staff be assembled and retained as a professional, nonpartisan staff;

“(B) each member of the staff shall be professional and demonstrably qualified for the position for which he is hired;

“(C) the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner;

“(D) no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;

“(E) no member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member; and

“(F) no member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

“(2) Only subdivisions (C), (E), and (F) of subparagraph (1) shall apply to shared staff.

“(3)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

“(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

“(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

“(D) Outside counsel may be dismissed before the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

“(4) In addition to any other staff provided for by law, rule, or other authority, with respect to the committee, the chairman and ranking minority member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

***“Meetings and hearings***

“(h)(1) The committee shall adopt rules providing that —

“(A) all meetings or hearings of the committee or any subcommittee thereof, other than any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee, shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

“(B) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

***“Public disclosure***

“(i) The committee shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

***“Requirements to constitute a complaint***

“(j) The committee shall adopt rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or five legislative days, whichever is sooner, to determine whether the information meets the requirements of the rules of the committee for what constitutes a complaint.

***“Duties of chairman and ranking minority member regarding properly filed complaints***

“(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to —

“(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

“(B) establish an investigative subcommittee; or

“(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

“(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

***“Duties of chairman and ranking minority member regarding information not constituting a complaint***

“(l) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements of the rules of the committee for what constitutes a complaint, they may —

“(1) return the information to the complainant with a statement that it fails to meet the requirements of the rules of the committee for what constitutes a complaint; or

“(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

***“Investigative and adjudicatory subcommittees***

“(m) The committee shall adopt rules providing that —

“(1)(A) an investigative subcommittee shall be composed of four Members (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee;

“(B) an adjudicatory subcommittee shall be composed of the members of the committee who did not serve on the pertinent investigative subcommittee (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee; and

“(C) notwithstanding any other provision of this clause, the chairman and ranking minority member of the committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to information before a subcommittee with which they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee;

“(2) at the time of appointment, the chairman shall designate one member of a subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member; and

“(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

***“Standard of proof for adoption of statement of alleged violation***

“(n) The committee shall adopt rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the subcommittee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives, has occurred.

***“Subcommittee powers***

“(o)(1) The committee shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

“(2) The committee shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation approved by an affirmative vote of a majority of the members of the committee.

“(3) The committee shall adopt rules to provide that —

“(A) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

“(B) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

***“Due process rights of respondents***

“(p) The committee shall adopt rules to provide that —

“(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

“(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

“(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

“(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until —

“(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

“(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

“(5) a respondent shall receive written notice whenever —

“(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

“(B) a complaint or allegation is transmitted to an investigative subcommittee;

“(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

“(D) an investigative subcommittee votes to expand the scope of its investigation;

“(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

“(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

“(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

***“Committee reporting requirements***

“(q) The committee shall adopt rules to provide that —

“(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

“(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee —



“(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

“(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

“(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

“(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

“(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.”.

(i) **JOINT REFERRAL.** — In clause 2(c)(1) of rule XII, insert before the semicolon the following: “(except where he determines that extraordinary circumstances justify review by more than one committee as though primary)”.

(j) **MACROECONOMIC ANALYSES OF TAX PROPOSALS.** — In clause 3(h) of rule XIII, strike subparagraphs (2) and (3) and insert in lieu thereof the following:

“(2)(A) It shall not be in order to consider a bill or joint resolution reported by the Committee on Ways and Means that proposes to amend the Internal Revenue Code of 1986 unless —

“(i) the report includes a macroeconomic impact analysis;

“(ii) the report includes a statement from the Joint Committee on Internal Revenue Taxation explaining why a macroeconomic impact analysis is not calculable; or

“(iii) the chairman of the Committee on Ways and Means causes a macroeconomic impact analysis to be printed in the Congressional Record before consideration of the bill or joint resolution.

“(B) In subdivision (A), the term “macroeconomic impact analysis” means —

"(i) an estimate prepared by the Joint Committee on Internal Revenue Taxation of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal; and

"(ii) a statement from the Joint Committee on Internal Revenue Taxation identifying the critical assumptions and the source of data underlying that estimate."

(k) **PERSONAL ELECTRONIC EQUIPMENT ON FLOOR.** — In clause 5 of rule XVII, strike "any personal" and all that follows in the penultimate sentence and insert in lieu thereof "a wireless telephone or personal computer on the floor of the House."

(l) **ACCOUNTING FOR VACANCIES.** — In clause 5 of rule XX, add after paragraph (b) the following new paragraph:

"(c) Upon the death, resignation, expulsion, disqualification, or removal of a Member, the whole number of the House shall be adjusted accordingly. The Speaker shall announce the adjustment to the House. Such an announcement shall not be subject to appeal. In the case of a death, the Speaker may lay before the House such documentation from federal, state, or local officials as he deems pertinent."

(m) **PROCEEDINGS DURING CALL OF HOUSE.** — In clause 6(c) of rule XX, strike "the Speaker may entertain a motion that the House adjourn" and insert in lieu thereof "a motion that the House adjourn shall be in order".

(n) **FIVE-MINUTE VOTING IN SERIES.** — In rule XX, amend clause 9 to read as follows:

"9. The Speaker may reduce to five minutes the minimum time for electronic voting on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting for a given series of votes was issued before the preceding electronic vote."

(o) **CERTAIN TAX OR TARIFF PROVISIONS.** — In clause 5(a) of rule XXI, designate the existing text as subparagraph (1) and add thereafter the following new subparagraph:

"(2) For purposes of paragraph (1), a tax or tariff measure includes an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff."

(p) **MOTIONS TO INSTRUCT DURING CONFERENCE.** — In clause 7(c)(1) of rule XXII, strike "20 calendar days" and insert in lieu thereof "20 calendar days and 10 legislative days".

(q) **PRACTICE OF MEDICINE.** — In clause 2 of rule XXV, insert "except for the practice of medicine" after "fiduciary relationship" in both places it appears.

(r) **GIFTS OF PERISHABLE FOOD.** — In clause 5(a)(1)(B) of rule XXV, before the last sentence insert the following: "The value of perishable food sent to an office shall be allocated among the individual recipients and not to the Member, Delegate, or Resident Commissioner."

(s) **CHARITY TRAVEL.** — In clause 5(a)(4)(C) of rule XXV, insert before the period the following:

“unless —

“(i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

“(ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and

“(iii) the offer of free attendance at the event is made by such organization”.

(t) **PUBLIC DEBT-LIMIT LEGISLATION.** — Redesignate rule XXVII as rule XXVIII and insert after rule XXVI the following new rule:

“RULE XXVII

“STATUTORY LIMIT ON PUBLIC DEBT

“1. Upon adoption by Congress of a concurrent resolution on the budget under section 301 or 304 of the Congressional Budget Act of 1974 that sets forth, as the appropriate level of the public debt for the period to which the concurrent resolution relates, an amount that is different from the amount of the statutory limit on the public debt that otherwise would be in effect for that period, the Clerk shall prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt in the form prescribed in clause 2. Upon engrossment of the joint resolution, the vote by which the concurrent resolution on the budget was finally agreed to in the House shall also be considered as a vote on passage of the joint resolution in the House, and the joint resolution shall be considered as passed by the House and duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action.

“2. The matter after the resolving clause in a joint resolution described in clause 1 shall be as follows: “That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof ‘\$\_\_\_\_\_’.”, with the blank being filled with a dollar limitation equal to the appropriate level of the public debt set forth pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 in the relevant concurrent resolution described in clause 1. If an adopted concurrent resolution under clause 1 sets forth different appropriate levels of the public debt for separate periods, only one engrossed joint resolution shall be prepared under clause 1; and the blank referred to in the preceding sentence shall be filled with the limitation that is to apply for each period.

“3. (a) The report of the Committee on the Budget on a concurrent resolution described in clause 1 and the joint explanatory statement of the managers on a conference report to accompany such a concurrent resolution each shall contain a clear statement of the effect the eventual enactment of a joint resolution engrossed under this rule would have on the statutory limit on the public debt.

“(b) It shall not be in order for the House to consider a concurrent resolution described in clause 1, or a conference report thereon, unless the report of the Committee on the Budget or the joint explanatory statement of the managers complies with paragraph (a).

“4. Nothing in this rule shall be construed as limiting or otherwise affecting —

“(a) the power of the House or the Senate to consider and pass bills or joint resolutions, without regard to the procedures under clause 1, that would change the statutory limit on the public debt; or

“(b) the rights of Members, Delegates, the Resident Commissioner, or committees with respect to the introduction, consideration, and reporting of such bills or joint resolutions.

“5. In this rule the term “statutory limit on the public debt” means the maximum face amount of obligations issued under authority of chapter 31 of title 31, United States Code, and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), as determined under section 3101(b) of such title after the application of section 3101(a) of such title, that may be outstanding at any one time.”.

**(u) TECHNICAL AND CODIFYING CHANGES. —**

(1) In clause 2(g) of rule II —

(a) strike “do” in each place it appears and insert in lieu thereof “perform”; and

(b) strike “done” and insert in lieu thereof “performed”.

(2) In clause 1(g)(6) of rule X, strike “organization” and insert in lieu thereof “organizations”.

(3) In clause 3(a)(1)(B) of rule XIII, strike “or (4)”.

(4) In clause 3 of rule XVIII, strike “All bills” and insert in lieu thereof “All public bills”.

(5) In clause 2(a) of rule XX, strike “9 or 10” and insert in lieu thereof “8 or 9”.

(6) In clause 8 of rule XX —

(a) amend paragraph (a)(1) to read as follows:

“(a)(1) When a recorded vote is ordered, or the yeas and nays are ordered, or a vote is objected to under clause 6 —

“(A) on any of the questions specified in subparagraph (2), the Speaker may postpone further proceedings to a designated place in the legislative schedule within two additional legislative days; and

“(B) on the question of agreeing to the Speaker’s approval of the Journal, the Speaker may postpone further proceedings to a designated place in the legislative schedule on that legislative day.”; and

(b) in paragraph (a)(2), strike “the” before “subparagraph (1)”.

(7) In clause 8 of rule XX —

(a) in paragraph (b) strike “in the order in which it was considered”; and

(b) in paragraph (d) strike “in the order in which they were considered”.

(8) In clause 1 of rule XXII, strike “bill or resolution” in each place it appears and insert in lieu thereof “proposition”.

(9) In clause 12(a)(2) of rule XXII, strike “by a record vote” and insert in lieu thereof “by the yeas and nays”.

### **SEC. 3. SEPARATE ORDERS. —**

#### **(a) BUDGET MATTERS. —**

(1) During the One Hundred Eighth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Eighth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Eighth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Eighth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Eighth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record —

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget;

(ii) “Accounts Identified for Advance Appropriations,” which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House; and

(iii) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 of the One Hundred Seventh Congress referred to in section 211 of such concurrent resolution.

(C) The allocation referred to in section 231(d) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subparagraph (B)(i).

(b) **CERTAIN SUBCOMMITTEES.** — Notwithstanding clause 5(d) of rule X, during the One Hundred Eighth Congress —

(1) the Committee on Armed Services may have not more than six subcommittees;

(2) the Committee on International Relations may have not more than six subcommittees;

and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) **NUMBERING OF BILLS.** — In the One Hundred Eighth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) **MOTIONS TO SUSPEND THE RULES.** — During the first session of the One Hundred Eighth Congress, the Speaker may entertain motions that the House suspend the rules on Wednesdays through the second Wednesday in April as though under clause 1 of rule XV.

#### **SEC. 4. SELECT COMMITTEE ON HOMELAND SECURITY.** —

(a) **ESTABLISHMENT; COMPOSITION; VACANCIES.** —

(1) **ESTABLISHMENT.** — During the One Hundred Eighth Congress, there is established a Select Committee on Homeland Security.

(2) **COMPOSITION.** — The select committee shall be composed of Members appointed by the Speaker, including Members appointed on the recommendation of the Minority Leader. The Speaker shall designate one member as chairman. Service on the select committee shall not count against the limitations on committee service in clause 5(b)(2) of rule X.

(3) **VACANCIES.** — Any vacancies occurring in the membership of the select committee shall be filled in the same manner as the original appointment.

(b) **JURISDICTION; FUNCTIONS.** —

(1) **LEGISLATIVE JURISDICTION.** — The select committee may develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (P.L. 107-296) as may be referred to it by the Speaker.

(2) **OVERSIGHT FUNCTION.** — The select committee shall review and study on a continuing basis laws, programs, and Government activities relating to homeland security.

(3) **RULES STUDY.** — The select committee is authorized and directed to conduct a thorough and complete study of the operation and implementation of the rules of the House, including rule X, with respect to the issue of homeland security. The select committee shall submit its recommendations regarding any changes in the rules of the House to the Committee on Rules not later than September 30, 2004.

(c) **PROCEDURE.** — The rules of the House applicable to the standing committees shall govern the select committee where not inconsistent with this section.

(d) **FUNDING.** — To enable the select committee to carry out the purposes of this resolution, the select committee may use the services of staff of the House.

(e) **DISPOSITION OF RECORDS.** — Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

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